have less than 35 employees and educational institutions that are not State or publicly supported and have less than 35 employees will reduce the impact on small entities. At the same time, these reduced annual fees are consistent with the objectives of OBRA–90. Thus, the revised fees for small entities maintain a balance between the objectives of OBRA–90 and the RFA. The NRC has used the methodology and procedures developed for the FY 1991, FY 1992, FY 1993, and FY 1994 fee rules in this proposed rule except those noted in Section II, in establishing the FY 1995 fees. Therefore, the analysis and conclusions established in the FY 1991, FY 1992, FY 1993, and FY 1994 rules remain valid for this proposed rule for FY 1995.

[FR Doc. 95–6485 Filed 3–17–95; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 123CE, Notice No. SC–23–ACE–80]

Special Conditions; SIAI Marchetti Model S211A Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the SIAI Marchetti Aircraft Company Model S211A airplanes. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These design features include performance characteristics for which the applicable regulations do not contain adequate or appropriate airworthiness standards. This notice contains the additional airworthiness standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the current airworthiness standards.

DATES: Comments must be received on or before May 19, 1995.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. 123CE, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 123CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mike Downs, Aerospace Engineer, Standards Office (ACE–110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking further rulemaking action on this proposal. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 123CE.'' The postcard will be date stamped and returned to the commenter. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Background

On July 9, 1993, the SIAI Marchetti Aircraft Co., VIA Indipendenza, 2, 21018 Sesto Calende (VA) [ITALY] made application for acrobatic category type certification of the model S211A airplane. The S211A is a two-place (tendem), all metal, mid-wing cantilevered, retractable gear, pressurized, single turbofan engine airplane with a maximum weight of 6,394 pounds intended for specialized military operations as a 14 CFR Part 23 airplane in the Acrobatic Category.

Type Certification Basis

Type certification basis of the SIAI Marchetti Model S211A airplane is as follows: Federal Aviation Regulations (14 CFR Part 23), effective February 1, 1965, through amendment 23–44, effective August 18, 1993; Special Conditions in lieu of Part 23, amendment 23–44, as stated in this document; Equivalent Level of Safety for §§ 23.562, 23.677(a), 23.777(f)(1), 23.807(b)(5), 23.841 (a) and (b)(6), 23.971 (a) and (b), 23.1182, 23.1557(d); 14 CFR Part 34, effective September 10, 1990; 14 CFR Part 36, effective December 1, 1969, through amendment effective on the date of type certification; exemptions if any; and any special conditions that may result from this notice.

Discussion

SIAI Marchetti plans to incorporate certain novel and unusual design features into the airplane for which the airworthiness regulations do not contain adequate or appropriate safety standards. These features include certain performance characteristics necessary for this type of airplane that were not envisaged by the existing regulations.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with 14 CFR Part 21, § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with 14 CFR Part 11, § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and become a part of the type certification basis, as provided by 14 CFR Part 21, § 21.17(a)(2).

Flight

Current standards in 14 CFR Part 23 did not envisage this type of airplane and the associated performance capabilities. Based upon the knowledge and experience gained during certification and operation of previous 14 CFR Part 23 acrobatic jet airplanes and other acrobatic airplanes, special conditions that include selected Joint Airworthiness Regulations (JAR) 23, Issue 1, dated March 11, 1994, are proposed instead of selected performance requirements of subpart B of part 23.

Operating Limitations and Information

Current standards in part 23 did not envisage this type of airplane and the associated performance.

To maintain a level of safety consistent with other acrobatic category and jet powered airplanes, special conditions that include selected JAR 23, Issue 1, dated March 11, 1994, are proposed instead of the flight manual requirements of subpart G of Part 23.

Conclusion

In view of the design features and operational envelope discussed for the

Model S211A airplane, the following special conditions are proposed. This action is not a rule of general applicability and affects only the model of airplane identified in these proposed special conditions.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423), 49 U.S.C. 106(g); 14 CFR 21.16 ad 21.17; and 14 CFR 11.28 and 11.29(b).

The Proposed Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes the following special conditions as part of the type certification basis for the SIAI Marchetti Model S211A airplane.

1. Flight

Instead of compliance with the sections listed below contained in subpart b of part 23, the following sections apply:

SC23.45 Performance—General.

(a) The performance requirements of this subpart must be met for: Still air; and Ambient atmospheric conditions.

(b) Unless otherwise prescribed, performance data must be provided over not less than the following ranges of conditions:

(1) Airport altitude from sea level to 10,000 feet; and

(2) Temperature from standard to 30°C above standard, or the maximum ambient atmospheric temperature at which compliance with the cooling provisions 14 CFR Part 23, §§ 23.1041 to 23.1045 is shown, if lower.

(c) Performance data must be determined with the means for controlling the engine cooling air supply in the position used in the cooling tests required by §§ 23.1041 to 23.1045.

(d) The available propulsive thrust must correspond to engine thrust not exceeding the approved thrust, less:

(1) Installation losses; and

(2) The equivalent thrust absorbed by the accessories and services appropriate to the particular flight condition.

(e) The performance as affected by engine thrust must be based on a relative humidity of—

(1) 80 percent at and below standard temperature; and

(2) 34 percent at and above standard temperature plus 50°F. Between the two temperatures the relative humidity must vary linearly.

(f) Unless otherwise prescribed in determining the takeoff and landing distances, changes in the airplane's configuration, speed and thrust must be made in accordance with procedures established by the applicant for operation in service. The procedures must be able to be executed consistently by pilots of average skill in atmospheric conditions reasonably expected to be encountered in service.

(g) The takeoff and landing distances must be determined on a smooth dry hard-surfaced runway. The effect on these distances of operation on other types of surface (for example, grass, gravel) when dry, may be derived and these surfaces listed under SC23.1583(o).

SC23.51 Takeoff speeds.

(a) The rotation speed V_R, is the speed at which the pilot makes a control input with the intention of lifting the airplane out of contact with the runway. V_R must not be less than V_{SI}.

(b) The speed at 50 feet must not be less than the highest of—

(1) A speed that is shown to be safe under all reasonably expected conditions, including turbulence and complete engine failure; or

(2) 1.20 V_{SI}

SC23.53 Takeoff distance.

(a) The takeoff distance must be determined in accordance with subparagraph (b), using speeds determined in accordance with SC23.51 (a) and (b).

(b) The distance required to takeoff and climb to a height of 50 feet above the takeoff surface must be determined for each weight, altitude an temperature within the operational limits established for takeoff with—

(1) Takeoff thrust;

(2) Wing flaps in the takeoff position(s); and

(3) Landing gear extended.

SC23.63 Climb: General.

(a) Compliance with the requirements of SC23.65, SC23.69, and SC23.77 must be shown:

(1) Out of ground effect; and

(2) At speeds that are not less than those at which compliance with the powerplant cooling requirements of §§ 23.1041 to 23.1045 have been demonstrated.

(b) Compliance must be shown, at weights, as a function of airport altitude and ambient temperature, within the operational limits established for takeoff and landing respectively, with—

(1) SC23.65 for takeoff; and

(2) SC23.77 for landing.

SC23.65 Climb: All engines operating.

The airplane must have a steady gradient of climb after takeoff of at least 4 percent with—

(a) Takeoff thrust;

(b) Landing gear extended except that, if the landing gear can be retracted in not more than 7 seconds, it may be assumed to be retracted;

(c) Wing flaps in the takeoff position(s); and

(d) A climb speed not less than 1.2 V_{S1}.

SC23.69 Enroute climb/descent.

(a) All engines operating.

The steady gradient and rate of climb must be determined at each weight, altitude and ambient temperature within the operational limits established by the applicant with—

(1) Not more than maximum continuous thrust;

(2) Landing gear retracted;

(3) Wing flaps retracted; and

(4) Climb speed not less than 1.3 V_{S1}.

SC23.71 Glide (Single Engine Airplanes).

The maximum horizontal distance traveled in still air, in nautical miles per 1,000 feet of altitude lost in a glide, and the speed necessary to achieve this, must be determined with the engine inoperative and with the landing gear and wing flaps in the most favorable position available.

SC23.73 Reference landing approach speed.

The reference landing approach speed, V_{REF}, must not be less than 1.3 V_{SO}.

SC23.75 Landing distance.

The horizontal distance necessary to land and come to a complete stop from a point 50 feet above the landing surface must be determined, for standard temperatures at each weight and altitude within the operational limits established for landing, as follows:

(a) A steady approach at not less than V_{REF} must be maintained down to the 50-foot height and

(1) The steady approach must be at a gradient or descent not greater than 5.2 percent (3 degrees) down to the 50-foot height; and

(2) In addition, an applicant may demonstrate by tests that a maximum steady approach gradient, steeper than 5.2 percent, down to the 50-foot height is safe. The gradient must be established as an operating limitation and the information necessary to display the gradient must be available to the pilot by an appropriate instrument.

(b) A constant configuration must be maintained throughout the maneuver.

(c) The landing must be made without excessive vertical acceleration or tendency to bounce, nose-over, ground loop, or porpoise.

(d) It must be shown that a safe transition to the balked landing conditions of SC23.77 can be made from the conditions that exist at the 50-foot height, at maximum landing weight or the maximum landing weight for latitude and temperature of SC23.63(b)(2), as appropriate.

(e) The brakes must not be used so as to cause excessive wear of brakes or tires.

(f) Retardation means other than wheel brakes may be used if that means—

(1) Is safe and reliable;

(2) Is used so that consistent results can be expected in service

SC23.77 Balked landing.

The steady gradient of climb must not be less than 2.5 percent with—

(a) Not more than the thrust that is available 8 seconds after initiation of movement of the thrust controls from the minimum flight idle position;

(b) The landing gear extended;

(c) The wing flaps in the landing position; and

(d) A climb speed equal to V_{REF}, as defined in SC23.73.

2. Operating Limitations and Information

Instead of compliance with the sections listed below contained in subpart G of part 23, the following sections apply:

Airplane Flight Manual

SC23.1581 General.

(a) An FAA-Approved Airplane Flight Manual must be furnished with each airplane and it must contain the following:

(1) Information required by SC23.1583 through SC23.1589.

(2) Other information that is necessary for safe operation because of design, operating or handling characteristics.

(3) Further information necessary to comply with the relevant operating rules.

(b) Each part of the Airplane Flight Manual containing information prescribed in SC23.1583 through SC23.1589 must be approved, segregated, identified, and clearly distinguished from each unapproved part of that Airplane Flight Manual.

(c) The units used in the Airplane Flight Manual must be the same as those marked on the appropriate instruments and placards.

(d) All Airplane Flight Manual operational airspeeds must, unless otherwise stated, be presented as indicated airspeeds.

(e) Provisions must be made for stowing the Airplane Flight Manual in a suitable fixed container that is readily accessible to the pilot.

(f) Each Airplane Flight Manual must contain a means for recording the incorporation of revisions and/or amendments.

SC23.1583 Operating limitations.

The Airplane Flight Manual must contain operating limitations determined under the applicable regulations, including the following:

(a) *Airspeed limitations.*

(1) Information necessary for the marking of the airspeed limits on the indicator as required in § 23.1545, and the significance of each of those limits and of the color coding used on the indicator.

(2) The speeds V_O, V_{LE}, and V_{LO} and their significance.

(b) *Powerplant limitations.*

(1) Limitations required by § 23.1521.

(2) Explanation of the limitations, when appropriate.

(3) Information necessary for marking the instruments required by §§ 23.1549 through 23.1553.

(c) *Weight.*

(1) The maximum weight; and

(2) The maximum landing weight, if the design landing weight selected by the applicant is less than the maximum weight.

(3) The maximum takeoff weight for each airport altitude and ambient temperature within the range selected by the applicant not exceeding the weight at which the airplane complies with the climb requirements of SC23.63(b)(1).

(4) The maximum landing weight for each airport altitude and ambient temperature within the range selected by the applicant not exceeding the weight at which the airplane complies with the climb requirements of SC23.63(b)(2).

(5) The maximum zero fuel weight, where relevant.

(d) *Center of gravity.* The established center of gravity limits.

(e) *Maneuvers.* The following authorized maneuvers, appropriate airspeed limitations, and unauthorized maneuvers, as prescribed in this section:

(1) A list of approved acrobatic flight maneuvers demonstrated in the type flight tests, together with recommended entry speeds and any other associated limitations.

(2) Spin recovery procedure established to show compliance with § 23.221.

(f) *Maneuver load factor.* The positive and negative limit load factors in g's.

(g) *Minimum flight crew.* The number and functions of the minimum flight crew determined under § 23.1523.

(h) *Kinds of operation.* A list of the kinds of operation to which the airplane is limited or from which it is prohibited under § 23.1525, and also a list of installed equipment that affects any operating limitation and identification as to the equipment's required operational status for the kinds of operation for which approval has been granted.

(i) *Maximum operating altitude.* The maximum altitude established under § 23.1527.

(j) *Allowable lateral fuel loading.* The maximum allowable lateral fuel loading differential, if less than the maximum possible.

(k) Baggage cargo loading. The following information for each baggage and cargo compartment or zone:

(1) The maximum allowable load; and

(2) The maximum intensity of loading.

(l) *Systems.* Any limitations on the use of airplane systems and equipment.

(m) *Ambient temperatures.* Where appropriate, maximum and minimum ambient air temperatures for operation.

(n) *Smoking.* Any restrictions on smoking in the airplane.

(o) *Types of surface.* A statement of the types of surface on which operations may be conducted must be provided.

SC23.1585 Operating procedures.

Information concerning normal, abnormal (if applicable) and emergency procedures, and other pertinent information necessary for safe operation and the achievement of the scheduled performance, must be furnished, including:

(a) An explanation of significant or unusual flight or ground handling characteristics.

(b) The maximum demonstrated values of crosswind for takeoff and landing and procedures and information pertinent to operations in crosswinds.

(c) Procedures, speeds, and configuration(s) for making a normal takeoff in accordance with SC23.51 and SC23.53 and the subsequent climb in accordance with SC23.65 and SC26.59.

(d) Procedures for abandoning a takeoff due to engine failure or other cause.

(e) A recommended speed for flight in rough air. This speed must be chosen to protect against the occurrence, as a result of gusts, of structural damage to the airplane and loss of control (for example, stalling).

(f) Procedures, speeds, and configuration(s) for making a normal approach and landing in accordance with SC23.73 and SC23.75 and a transition to the balked landing condition.

(g) Procedures for restarting the engine in flight, including the effects of altitude.

(h) The procedures, speeds and configurations for a glide following engine failure in accordance with SC23.71 and the subsequent forced landing, must be furnished.

(i) For each airplane showing compliance with § 23.1353 (g)(2) or (g)(3), the operating procedures for disconnecting the battery from its charging source must be furnished.

(j) Information on the total quantity of usable fuel for each fuel tank and the effect on the unusable fuel quantity as a result of a failure of any pump, must be furnished.

(k) Procedures for the safe operation of the airplane's systems and equipment, both in normal use and in the event of malfunction, must be furnished.

SC23.1587 Performance information.

Unless otherwise prescribed, the following information must be furnished over the altitude and temperature ranges required by SC23.45(b):

(a) The stalling speeds V_{SO}, and V_{S1} with the landing gear and wing flaps retracted, determined at maximum weight under § 23.49 and the effect on these stalling speeds of angles of bank up to 60 degrees.

(b) The takeoff distance, determined under SC23.53 and the type of runway surface for which it is valid.

(c) The steady rate and gradient of climb with all engines operating, determined under SC23.69(a).

(d) The landing distance, determined under SC23.75, and the type of runway surface for which it is valid.

(e) The effect on takeoff and landing distances of operation on other than smooth hard surfaces, when dry, determined under SC23.45(g).

(f) The effect on takeoff and landing distances or runway slope and 50 percent of the headwind component and 150 percent of the tailwind component.

(g) The steady gradient of climb/descent, determined under SC23.66.

(h) The glide performance determined under SC23.71.

SC23.1589 Loading information.

The following loading information must be furnished:

(a) The weight and location of each item of equipment that can easily be removed, relocated, or replaced and that is installed when the airplane was weighed under § 23.25.

(b) Appropriate loading instructions for each possible loading condition between the maximum and minimum weights established under § 23.25, to facilitate the center of gravity remaining within the limits established under § 23.23.

Issued in Kansas City, Missouri on March 7, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–6688 Filed 3–17–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 150

[Docket No. 28149]

Policy on Approval and Funding of Part 150 Program Noise Mitigation Measures

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed policy; request for comment.

SUMMARY: This notice requests comments on a proposed change in the Federal Aviation Administration's (FAA) policy concerning approval and eligibility for Federal funding of certain noise mitigation measures. The proposed policy would increase the incentives for airport operators to prevent the development of new noncompatible land uses around airports and assure the most cost effective use of Federal funds spent on land use measures. The revised policy would more clearly distinguish between measures that are appropriate for application to existing noncompatible development and measures that are appropriate for application to new noncompatible development. This differentiation between the use of remedial measures for existing noncompatible development and preventive measures for new noncompatible development is necessary for the FAA to determine the appropriate approval or disapproval of actions on proposed land use measures in an airport's noise compatibility program.

DATES: Comments must be received on or before April 19, 1995.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to the Federal Aviation Administration (FAA), Office of Chief Counsel, Attn.: Rules Docket (AGC–10), Docket No. 28149, 800 Independence Avenue SW., Room 915G, Washington, DC 20591. Comments may be inspected in Room 915G between 8:30 a.m. and 5:00 p.m., weekdays, except Federal holidays.

Commenters who wish the FAA to acknowledge the receipt of their comments must submit with their comments a pre-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 28149.'' The postcard will be date-stamped by the FAA and returned to the commenter.

FOR FURTHER INFORMATION CONTACT: Mr. William W. Albee, Policy and Regulatory Division (AEE–300), Office of Environment and Energy, FAA, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3553, facsimile (202) 267–5594.

SUPPLEMENTARY INFORMATION:

Background

The Airport Noise Compatibility Planning Program (14 CFR part 150, hereinafter referred to as part 150 or the part 150 program) was established under the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. 47501 through 47509, hereinafter referred to as ASNA). The part 150 program allows airport operators to submit noise exposure maps and a noise compatibility program to the FAA voluntarily. According to the ASNA, a noise compatibility program sets forth the measures that an airport operator has taken or has proposed for the reduction of existing noncompatible land uses and the prevention of additional noncompatible land uses within the area covered by noise exposure maps.

The ASNA embodies strong concepts of local initiative and flexibility. The submission of noise exposure maps and a noise compatibility program is left to the discretion of local airport operators. Airport operators may also choose to submit noise exposure maps without preparing and submitting a noise compatibility program. The types of measures that airport operators may include in a noise compatibility program are not limited by the ASNA, allowing airport operators substantial latitude to submit a broad array of measures—including innovative measures—that respond to local needs and circumstances.

The criteria for approval or disapproval of measures submitted in a part 150 program are set forth in the ASNA. The ASNA directs the Federal approval of a noise compatibility program, except for measures relating to flight procedures: (1) If the program measures do not create an undue burden on interstate or foreign commerce; (2) if the program measures are reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses; and (3) if the program provides for its revision if necessitated by the submission of a revised noise exposure map. Failure to approve or disapprove a noise compatibility program within 180 days, except for measures relating to flight procedures, is deemed to be an approval under the ASNA. Finally, the ASNA sets forth broad eligibility criteria, consistent with the ASNA's overall deference to local initiative and flexibility. The FAA is authorized, but not obligated, to fund projects via the Airport Improvement Program (AIP) to carry out measures in a noise compatibility program that are not disapproved by the FAA.

In establishing this new program, which became embodied in FAR part 150, the ASNA did not change the legal authority of state and local governments to control the uses of land within their jurisdictions. Public controls on the use of land are commonly exercised by zoning. Zoning is a power reserved to the states under the U.S. Constitution. It is an exercise of the police powers of the states that designates the uses permitted on each parcel of land. This power is usually delegated in state enabling legislation to local levels of government. Neither the FAA nor any other agency of the Federal government has zoning authority.

Many local land use control authorities (cities, counties, etc.) have not adopted zoning ordinances or other controls to prevent noncompatible development (primarily residential) within the noise impact areas of airports. An airport's noise impact area, identified within noise contours on a noise exposure map, may extend over a number of different local jurisdictions that individually control land uses. For example, at five airports recently studied, noise contours overlaid portions of from two to twenty-five different jurisdictions.

While airport operators have included measures in noise compatibility programs submitted under part 150 to prevent the development of new noncompatible land uses through zoning and other controls under the authorities of appropriate local jurisdictions, success in implementing these measures has been mixed. A study performed under contract to the FAA, completed in January 1994, evaluated sixteen airport case studies for the implementation of land use control measures. This study found that of the sixteen airports, six locations have implemented the recommended zoning measures, seven locations have not implemented the recommended zoning measures, and three are in the process of implementation.

Another recent independent study evaluated ten airports that have FAA approved part 150 programs in place and found that four locations have